

Conference Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 330

# HOUSE BILL 2144

AN ACT

AMENDING TITLE 32, CHAPTER 22, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2304.01; AMENDING SECTION 32-2319, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 22, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2320; AMENDING SECTION 32-2323, ARIZONA REVISED STATUTES; RELATING TO STRUCTURAL PEST CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 22, article 1, Arizona Revised Statutes,  
3 is amended by adding section 32-2304.01, to read:

4 32-2304.01. Semiannual reports; termite action report;  
5 reporting requirements

6 A. THE COMMISSION SHALL SEMIANNUALLY SUBMIT A REPORT REGARDING THE  
7 NUMBER AND TYPES OF TERMITE TREATMENTS AS REPORTED ON TERMITE ACTION REPORTS  
8 PURSUANT TO SECTION 32-2304, SUBSECTION A AND SECTION 32-2323, SUBSECTION C.  
9 THE INFORMATION SHALL BE CATEGORIZED ACCORDING TO THE GENERAL TYPE OF  
10 TREATMENT USED, INCLUDING CHEMICAL, BAIT, MECHANICAL, TEMPERATURE AND OTHER  
11 METHODS OF TREATMENT. IF CHEMICAL TREATMENT IS USED THE REPORT SHALL INCLUDE  
12 THE ACTIVE INGREDIENT OR TRADE NAME OF THE CHEMICAL USED.

13 B. THE COMMISSION SHALL SUBMIT THE REPORT TO THE SPEAKER OF THE HOUSE  
14 OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE GOVERNOR AND PROVIDE A  
15 COPY OF THE REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA  
16 STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS. THE COMMISSION SHALL SUBMIT THE  
17 FIRST REPORT BY APRIL 30, 2002 FOR THE PERIOD JULY 1, 2001 THROUGH DECEMBER  
18 31, 2001.

19 C. IF A BUYER OF REAL PROPERTY MAKES A REQUEST TO THE COMMISSION, THE  
20 COMMISSION SHALL MAKE AVAILABLE TO THE BUYER AN INFORMATION REPORT LISTING  
21 ALL TERMITE TREATMENTS REPORTED TO THE COMMISSION FOR THE PROPERTY FOR THE  
22 PREVIOUS THREE YEARS. THE WOOD INFESTATION REPORT AS DEFINED IN SECTION  
23 23-2301 SHALL STATE THAT A BUYER MAY OBTAIN THE INFORMATION REPORT FROM THE  
24 COMMISSION.

25 Sec. 2. Section 32-2319, Arizona Revised Statutes, is amended to read:

26 32-2319. Continuing education; advisory accreditation committee

27 A. In order to satisfy continuing education requirements, a certified  
28 applicator or qualifying party shall verify attendance at programs of  
29 approved instruction which are designed to augment the proficiency of the  
30 certified applicator or qualifying party relating to structural pest control  
31 and which are approved by the commission.

32 B. The commission shall appoint an advisory accreditation committee  
33 consisting of certified applicators, qualifying parties and public members.  
34 Subject to approval by the commission, the advisory accreditation committee  
35 shall establish and modify, as necessary, guidelines for evaluation of  
36 programs of instruction. On request for approval of a program of instruction  
37 the advisory accreditation committee shall evaluate the program of  
38 instruction. The commission may adopt, modify or refuse to adopt any  
39 recommendation made by the advisory committee. The commission shall not  
40 limit credit for programs of instruction on the basis of whether they are  
41 conducted by a chemical company or provided in professional association  
42 seminars or in-house education programs of business licensees.

43 C. Commission staff may provide and conduct classes to train and  
44 assist licensees and their employees in preparation for certification

1 examinations. The commission may assess a fee for each class. Classes may  
2 be provided by commercial enterprises or accredited institutions.

3 D. Commission staff shall provide and conduct eight hours of  
4 continuing education classes at least quarterly, with the intent of providing  
5 all credit hours necessary to ensure continuing education requirements in all  
6 categories for all certified applicators and licensees. Classes may be  
7 provided by commercial enterprises or accredited institutions under the  
8 supervision of commission staff. The commission may charge a fee for each  
9 credit hour.

10 E. If one individual holds both a certified applicator certificate and  
11 a qualifying party qualification, the completion of a minimum of six hours  
12 of continuing education in the preceding year for the certified applicator  
13 certificate satisfies the continuing education requirements for both the  
14 certified applicator certificate and qualifying party qualification.

15 F. CONTINUING EDUCATION REQUIREMENTS SHALL INCLUDE INSTRUCTION IN  
16 INTEGRATED PEST MANAGEMENT AS PROVIDED IN SECTION 32-2320.

17 Sec. 3. Title 32, chapter 22, article 2, Arizona Revised Statutes, is  
18 amended by adding section 32-2320, to read:

19 32-2320. Integrated pest management; reporting requirement;  
20 guidelines; definition

21 A. THE COMMISSION SHALL PREPARE GUIDELINES FOR AN INTEGRATED PEST  
22 MANAGEMENT PROGRAM FOR STRUCTURAL PEST CONTROL PRACTICES.

23 B. THE GUIDELINES SHALL CONSIDER THE FOLLOWING ELEMENTS:

24 1. THE IDENTIFICATION OF PESTS.

25 2. THE ESTABLISHMENT OF A MONITORING AND RECORD KEEPING SYSTEM FOR  
26 REGULAR SAMPLING AND ASSESSMENT OF PEST POPULATIONS.

27 3. THE DETERMINATION OF THE PEST POPULATION LEVELS THAT CAN BE  
28 TOLERATED BASED ON AESTHETIC, ECONOMIC AND HEALTH CONCERNS AND SETTING ACTION  
29 THRESHOLDS IF PEST POPULATIONS OR ENVIRONMENTAL CONDITIONS WARRANT REMEDIAL  
30 ACTION.

31 4. THE PREVENTION OF PEST PROBLEMS THROUGH IMPROVED SANITATION, THE  
32 MANAGEMENT OF WASTE, THE ADDITION OF PHYSICAL BARRIERS AND THE MODIFICATION  
33 OF HABITATS THAT ATTRACT OR HARBOR PESTS.

34 5. THE RELIANCE ON NONTOXIC, BIOLOGICAL, CULTURAL OR MECHANICAL PEST  
35 MANAGEMENT METHODS OR ON THE USE OF NATURAL CONTROL AGENTS.

36 6. THE USE OF CHEMICAL PESTICIDES, IF NECESSARY, WITH PREFERENCE FOR  
37 PRODUCTS THAT ARE THE LEAST HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT.

38 C. THE COMMISSION SHALL REPORT ANNUALLY ON THE PROGRESS OF  
39 IMPLEMENTING THE GUIDELINES TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE  
40 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A COPY OF THE  
41 REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE  
42 LIBRARY, ARCHIVES AND PUBLIC RECORDS.

43 D. FOR THE PURPOSES OF THIS SECTION, "INTEGRATED PEST MANAGEMENT"  
44 MEANS A SUSTAINABLE APPROACH TO MANAGING PESTS BY COMBINING BIOLOGICAL,

1 CULTURAL, PHYSICAL AND CHEMICAL TOOLS IN A WAY THAT MINIMIZES ECONOMIC,  
2 HEALTH AND ENVIRONMENTAL RISKS.

3 Sec. 4. Section 32-2323, Arizona Revised Statutes, is amended to read:  
4 32-2323. Wood-destroying pests or organisms; treatment proposal

5 A. A business licensee shall not commence work on a contract or sign,  
6 issue or deliver any documents expressing an opinion or making a statement  
7 relating to the presence or absence of wood-destroying pests or organisms in  
8 a structure until an inspection is made. A business licensee shall prepare  
9 a treatment proposal on a form approved by the commission and shall deliver  
10 a copy of the treatment proposal to the person requesting the proposal, or  
11 the person's designated agent, before beginning treatment. A licensee shall  
12 also give to the person requesting a proposal a written recommendation that  
13 verifies a particular problem and in addition to the licensee's  
14 recommendation for treatment shall advise the person of alternative  
15 treatments and methods, INCLUDING INTEGRATED PEST MANAGEMENT AS PROVIDED IN  
16 SECTION 32-2320, to alleviate the problem. A treatment proposal shall not  
17 be in the same form or be construed as a wood infestation report. A  
18 treatment proposal which does not identify infestation by a wood-destroying  
19 pest or organism is not a binding statement as to the presence or absence of  
20 wood-destroying pests or organisms.

21 B. A treatment proposal shall be prepared by a qualifying party or a  
22 certified applicator who has received at least five hours of instruction from  
23 the commission or an in-house education program of a business licensee on the  
24 subject of termite inspections. An examination on the instruction is not  
25 required.

26 C. If a business licensee performs a treatment pursuant to a treatment  
27 proposal, the business licensee shall maintain a record of the treatment and  
28 the type and quantity of the chemical used.

29 D. No business licensee may issue any guarantee for subterranean  
30 termites relating to a spot treatment of a structure for sale or involved in  
31 refinancing unless the licensee has first treated the entire structure. In  
32 the case of a privately owned dwelling with walls common to another privately  
33 owned dwelling, the licensee may issue the guarantee after treating the  
34 single privately owned dwelling in its entirety except for adjoining walls  
35 which are inaccessible due to refusal of adjoining occupants to allow access  
36 to the technician.

37 Sec. 5. Study committee on the structural pest control  
38 commission; membership; review; report

39 A. The study committee on the structural pest control commission is  
40 established to review and make recommendations on the comprehensiveness of  
41 the reporting requirements for treatments for termites and other wood  
42 destroying organisms and the impacts on the structural pest control  
43 commission's funding requirements.

44 B. The study committee shall be comprised of the following members:

1        1. Two members of the house of representatives who are appointed by  
2 the speaker of the house of representatives and who are members of different  
3 political parties.

4        2. Two members of the senate who are appointed by the president of the  
5 senate and who are members of different political parties.

6        3. Two industry members who hold current active licenses from the  
7 structural pest control commission, one each appointed by the president of  
8 the senate and the speaker of the house of representatives.

9        4. One member of the structural pest control commission who is  
10 appointed to the commission by the governor pursuant to section 32-2302,  
11 subsection A, paragraphs 2 or 3, Arizona Revised Statutes, who is appointed  
12 by the commission.

13        C. The study committee shall report its findings and recommendations  
14 on or before December 15, 2001, to the governor, the president of the senate,  
15 the speaker of the house of representatives and provide a copy of the report  
16 to the secretary of state and the director of the Arizona state library,  
17 archives and public records.

18        Sec. 6. Repeal

19        Section 5 of this act relating to the interim study committee on the  
20 structural pest control commission, is repealed on January 15, 2002.

~~APPROVED BY THE GOVERNOR MAY 4, 2001.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 4, 2001.~~

Passed the House March 6, 2001,

Passed the Senate April 16, 2001,

by the following vote: 37 Ayes,  
21 Nays, 2 Not Voting

by the following vote: 21 Ayes,  
5 Nays, 4 Not Voting

John Elster  
Speaker of the House  
Pro Tempore  
Spencer L. Moore  
Chief Clerk of the House

Randall Amundson  
President of the Senate  
Norma Lowe  
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

[Signature]  
Secretary to the Governor

Approved this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

[Signature]  
Governor of Arizona

H.B. 2144

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

[Signature]  
Secretary of State

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House April 25, 2001,

by the following vote: 33 Ayes,

19 Nays, 8 Not Voting

Jake Flake

Speaker of the House  
Pro Tempore

Norman L. Spore  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate April 26, 2001,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

Kanaka S. S. S.

President of the Senate

Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 30 day of April, 2001,

at 11:09 o'clock A M.

Sandra James  
Secretary to the Governor

Approved this 4th day of

May, 2001,

at 10:24 o'clock A M.

James I. Hall  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of May, 2001,

at 4:34 o'clock P M.

Betty Bayless  
Secretary of State

H.B. 2144